

**FYI List
For Council Agenda Packets
For September 12, 2011**

- Tentative Agenda Item schedule for upcoming Council meetings
- Letter from Code Enforcement Officer regarding property at 60 Route 236
- Letter from Town Attorney regarding Town of Kittery v. James Dineen with attached letter from Patrick Bedard
- Memo from Commissioner of Public Works regarding Response to the Final Report from the SWRC with attached documents

TENTATIVE AGENDA ITEMS

September 26, 2011

- Disbursement Warrants
- Tootsie Roll Drive
- Commitment
- Frisbee Wharf Lease Purchase Agreement
- Liquor Licenses: The Black Birch
Captain and Patty's
Tulsi

October 12, 2011

- Disbursement Warrants
- Executive Session – Labor Negotiations 6pm

October 24, 2011

- Disbursement Warrants

WORKSHOPS



Town of Kittery, Maine – Code Enforcement Office

200 Rogers Road, Kittery, ME 03904
Phone: (207) 475-1308 Fax: (207) 439-6806

August 24, 2011

RE: Map 29 Lot 14

To Whom It May Concern:

The owner of property located at 60 Route 236 was required to install a minimum four foot high fence to secure the property. The owner has complied, the fence has been installed.

Sincerely,

Heather Ross
Code Enforcement Officer

August 11, 2011

Mr. Jonathan L. Carter
Kittery Town Manager
200 Rogers Road
Kittery, ME 03904

Re: Town of Kittery v. James Dineen

Dear Jon:

As a follow-up to the phone conversation I had with you regarding the Dineen premises. Enclosed is a letter I have received from Attorney Bedard with regard to the motor vehicle that is on the Dineen property in violation of the existing Court Order.

Should you have any questions on this, don't hesitate to give me a call.

Very truly yours,



Duncan A. McEachern

DAMcE/cn
Enclosure

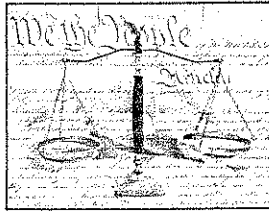
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RECEIVED
AUG 15 2011
TOWN OF KITTERY

Duncan A. McEachern & Dan W. Thornhill
10 Walker Street, P.O. Box 360
Kittery, Maine 03904-0360
Telephone: 207/439-4881 Fax: 207/439-8893

Patrick S. Bedard
psbedlaw@bedardbobrow.com

David J. Bobrow
djblaw@bedardbobrow.com



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Eliot, Maine 03903
Tel. 207-439-4502 Fax 207-439-6172
www.bedardbobrow.com

Janet P. Murray, Paralegal
jpmlaw@bedardbobrow.com

August 8, 2011

James Dineen
P.O. Box 324
Kittery, ME 03904

Re: Town of Kittery v. James Dineen

Dear Jim:

I am writing rather than calling so that I can memorialize the Town's position and how I will proceed as Receiver. I spoke with Duncan on August 8, 2011 and asked about allowing the bus to remain, and he indicated the Town would not agree to a vehicle being on the premises in violation of the Court order (i.e. not inspected/registered and/or not operable). Thus, the Town's position was that it had to be made operable and registered and inspected pursuant to the Court order, or it needed to be removed.

Thus, you should file a Motion to Amend (or for relief from judgment, whatever you deem appropriate) the existing order. Please do so no later than August 24, 2011 and send a copy to me. Unless both attorneys indicate I do not need to be present at any hearing, I will plan to attend. If you do not file the Motion to Amend by August 25, 2011 I will inform the Court in my annual report as Receiver. I do not intend to take further action than informing the Court as my role as Receiver ends with investigating and reporting. Thus, since the Town will not agree to this vehicle remaining in violation of the Court order I would appreciate it if you would file the necessary Motion and the Court can decide whether or not to exempt this vehicle.

If you have any questions, please do not hesitate to contact me.

VERY TRULY YOURS:


PATRICK S. BEDARD

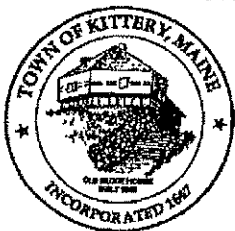
cc: Duncan McEachern, Esq.

\\PATSPC\\Pat's docs\\dineenletbus.wpd

RECEIVED

AUG 15 2011

TOWN OF KITTERY



Town of Kittery, Maine
Department of Public Works
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-0333 Fax: (207) 439-0333

MEMO

To: Jon Carter, Town Manager

From: Mary Ann Conroy, Commissioner of Public Works

Subject: Response to the Final Report from the SWRC

Date: August 17, 2011

After reviewing the final report submitted in July 2011, I wholeheartedly agree with all the recommendations from the Solid Waste and Recycling Committee. A considerable amount of time, thought and effort went into this endeavor and I am thankful for their insight and support. Over the summer I have visited several other transfer facilities, private and public, to observe their operations, ask questions and move forward with our facility. Atlantic Recycling Equipment Company from Rollinsford, NH also completed a thorough review, annual maintenance, and future recommendations for our current baler (copy attached); they are the regional American Baler representative.

Following my in depth review of the report, field observations, discussions with my staff, I have determined the following three topics as priority for the next year:

1. **Increase and expand educational efforts** – DPW is teaming up with the Kittery School Department to create a town wide “Green Team”. Currently only the High School has an active team; we plan to expand to the middle and elementary schools as well as inviting in any residents who may be interested in the educational efforts.
2. **Purchase an updated Baler and Expand the Building for added storage of materials** – DPW has been working with Atlantic Recycling Equipment for the past 20 years. I asked for an informal new equipment quote and installation timeframes (new quote is attached). New equipment will take 10-12 weeks after the ordering date and 2-3 days to install. The updated two ram baler will provide the better safety, efficiency, and possibilities. The expanded building will provide added dry storage which is key to expanding our baling services to other communities and marketing the products as the most advantageous timing.
3. **Expand the Seasonal Employee from 36 to 50 weeks per Year** – Currently the seasonal position has been assigned to various tasks to support the three full time employees. We have often used them to replace a vacant or absent employee for the full

duties of one of the positions. The additional staff will provide a second person for baling when needed, a pick up person for the expanded recycling program, and a stronger educational/enforcement focus. The longer term goal would be to support a full time position; however, this trial year could be accomplished with an expanded seasonal position.

In the past year, the revenues generated from the recycling materials exceeded the projections by over 70+%! The various recycling products were more carefully sorted, baled and marketed to achieve these outstanding results. Plastics were the newest product to gain value in this past year even with the outdated equipment.

Eliot Selectman are very supportive of expanding the coordinated efforts between our Public Works Department and theirs. Eliot is currently working with us at the SWF for baling, shipping, and equipment sharing. They would like to coordinate next year's Household Hazardous Waste disposal with us, as would the Town of South Berwick.

I understand that the only item budgeted in my operating budget is my first bullet – education. I am asking the Town Council to consider moving forward with the other two recommendations. A variety of budgeting approaches could work successfully for the capital expenditures, from a shared funding similar to the purchase of the new Ladder Truck, a cost before revenue for the income ahead, to undesignated fund balances. We have a winning facility with top notch team players...I am asking for your help to move this effort forward.



ATLANTIC RECYCLING EQUIPMENT

WE **A.R.E.** YOUR EQUIPMENT SPECIALISTS

August 17, 2011

Town of Kittery, ME
200 Rogers Road
Kittery, Me 03904

Attn: Mary-Anne Conroy
Ref: American Baler Model 7242AT960, S/N: 62174191

Mary-Anne,

Currently the Town of Kittery, ME is operating a American Baler, Model 7242AT960, serial number is 62174191 at your Recycling Facility. The baler is operational, however, it is Twenty (20) years old and requires a complete rebuild process to bring the baler up to original specifications. Also, during our conversations, you have mentioned that the Town of Kittery would like to bale additional products, including plastics, aluminum & tin cans, etc. The current baler you operate is designed to bale OCC, ONP & plastics on a limited basis.

If the Town of Kittery, ME intends to become a full scale Recycling Facility, baling any & all possible products, bring in additional products for other Towns and locations will require an upgrade in your baling equipment. The second issue that the Town will face if they decide to keep the existing baler is a complete rebuild of the baler & the conveyor system.

As you already know, the baler is Twenty (20) years old and requires work to bring the unit back into original specifications. Due the age of the baler, parts are limited from American Baler to complete the rebuild process, this means that Atlantic will have purchase & manufacture new parts & liners for the bale chamber and ram. The electrical eyes & sensors will need to be changed out to updated parts, and the Town should consider the idea of upgrading the computer system & touch pad system on the baler. The current computer in your baler is not longer available or used by American Baler, so if the computer goes down, the only option is to upgrade and change out the complete controller system in the baler. We have priced out the rebuild process of your baler and currently have estimated a rebuild cost of \$75,000.00 to bring the baler back to original specifications. The price quoted above does not include any repairs to the existing conveyor system, which as you know needs repairs. However, the Town has to understand that if the rebuild the baler & conveyor, the equipment is still used & Twenty (20) years old and can still have issues after the rebuild process is completed.

PO Box 609, Rollinsford, NH 03869
Phone: 800-370-7370 Fax: 603-749-2414
www.atlanticrecyclingequipment.com

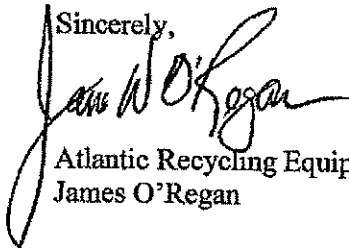
Page: 2 of 2
Date: 8/17/2011
Ref: American Baler

Our suggestion to the Town of Kittery, ME is to consider replacing the baler with a New American Baler, our suggestion is a Narrow Box Two Ram baler. This baler will allow the Town to bale the current product lines as well as the additional product lines you are looking to bale & increase your revenue stream to the Town. At your request, I can forward you a proposal on the New American Two Ram baler we would suggest for facility, including a Trade-in on the existing American Baler.

Ultimately, the decision is completely up the Town of Kittery, ME, I have supplied you with all of our information and suggestions. The baler is Twenty (20) years old and needs work, I would think that investing money into a new updated baler makes more sense than investing money into a old baler that will not do the job you are looking for.

Thank you for the opportunity to work with the Town of Kittery, ME, we look forward to working with the Town on this and future projects down the road.

Sincerely,



Atlantic Recycling Equipment, LLC
James O'Regan



ATLANTIC RECYCLING EQUIPMENT

WE **A.R.E.** YOUR EQUIPMENT SPECIALISTS

August 17, 2011

Town of Kittery, ME
200 Rogers Street
Kittery, ME 03904
Attn: Mary-Anne Conroy.

Ref: American Baler Model 4020XP – 75 Two Ram Baler.

Mary-Anne,

As you requested, here is the quote on the American Baler Two Ram Model 4020XP-75. This baler is a Narrow Box Two Ram with a 75 HP power unit, the unit has a Accent Wire Tier & will handle the multiple products you are looking to bale at you facility. This baler is like the baler we seen at Harding Metals, only a smaller version. Please look over the attached specification sheet, features & benefits sheet, layout drawing and warranty, if you have any questions, please call me directly.

QUOTATION:

One (1) – American Baler Narrow Box Model 4020XP-75 Two Ram baler with the following standard features:

- A-B Programmable Controller Micrologix 1500 w/ Pathfinder 8" Touch screen interface.
- Air-to-Oil Heat Exchanger
- E-PAC TEFC Motors 460/3/60 – XL Starting
- Regenerative Hydraulic Circuit
- Trunnion Mounted Main Cylinder Assembly
- AMBACO Industrial Blue Water Reducible Paint
- UL Approved Electrical Enclosures
- Replaceable Hardox 500 Floor Liner
- Replaceable Hardox 500 Platen Strips
- Manifold Hydraulic System w/ Regen Circuit
- Platen Stroke Control
- Hot Oil Shutdown
- Adjustable (from outside) Plunger Hold down

PO Box 609, Rollinsford, NH 03869
Phone: 800-370-7370 Fax: 603-749-2414
www.atlanticrecyclingequipment.com

Date: 8/17/2011

Page: 2 of 4

Ref: Ram II Narrow Box 4020XP-75

For: Town of Kittery, ME

STANDARD FEATURES CONTINUED:

- Complete Cold Weather Package
- Modem
- Versa-Door w/ Transducer
- High/Low Floor
- Hopper Access Door w/ Safety Switch
- NEMA 12 Electrical Enclosures
- Dual Infrared Cycle Control (Diffused)
- Allen-Bradley IEC Starters
- Pressure Transducer
- Bale Table
- Conveyor Starter (up to 10 HP)
- 1 – Stem of Galvanized Wire (11 or 12 gauge)
- Dust Cover for Wire Stem
- **Hydraulic Stamper**
- Accent Model 470 Wire Tier
- 75 HP power unit, single motor.
- 500 Gallons of AW-42 Hydraulic oil for power unit.
- Hopper Extension to mate with existing Conveyor system.
- One (1) year factory warranty (see attached Warranty)

PRICING BREAKDOWN:

**One (1) – American Baler Narrow Box, Two Ram Baler, Model
4020XP-75**

| | |
|--|--------------|
| List Price: | \$288,300.00 |
| Baler Trade-In: | \$24,995.00 |
| Baler Net, FOB & Installed in Kittery, ME: | \$263,305.00 |

PRICES DO NOT INCLUDE ANY APPLICABLE TAXES

PO Box 609, Rollinsford, NH 03869
Phone: 800-370-7370 Fax: 603-749-2414
www.atlanticrecyclingequipment.com